

P4E4MCCC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 CANDICE McCRARY,

4 Plaintiff,

5 v.

15 Civ. 8054 (MKV)

6 SEAN COMBS, MARRIOTT
7 INTERNATIONAL, INC.,

Conference

8 Defendants.

9 -----x

New York, N.Y.
10 April 14, 2025
11 11:10 a.m.

12 Before:

13 HON. MARY KAY VYSKOCIL,

District Judge

14 APPEARANCES

15 MERSON LAW PLLC

16 Attorneys for Plaintiff

17 BY: ANTIGONE CURIS

18 SHER TREMONTE LLP

Attorneys for Defendant SEAN COMBS

19 BY: MARK E. CUCCARO

20 DLA PIPER LLP (US)

21 Attorneys for Defendant MARRIOTT INTERNATIONAL, INC.

22 BY: NEAL F. KRONLEY

23 ALSO PRESENT:

24 Nicole I. Hyland

P4E4MCCC

1 (Case called)

2 MS. CURIS: Good morning, your Honor. Antigone Curis
3 on behalf of the plaintiff.

4 THE COURT: Good morning, counsel. How do you
5 pronounce your name?

6 MS. CURIS: Atigone Curis.

7 THE COURT: Curis. Thank you. I just don't like to
8 mispronounce people's names.

9 MS. HYLAND: Good morning, your Honor. My name is
10 Nicole Hyland from Frankfurt Kurnit Klein & Selz. I'm here as
11 professional responsibility counsel for Ms. Curis.

12 THE COURT: Thank you. Good morning.

13 MR. CUCCARO: Mark Cuccaro from Sher Tremonte here on
14 behalf of the Combs defendants.

15 THE COURT: Good morning.

16 MR. KRONLEY: Good morning, your Honor. Neal Kronley,
17 DLA Piper, on behalf of Marriott International.

18 THE COURT: Good morning to you. And good morning to
19 court reporter, Mr. Colavito. Thank you for being here.

20 So as you all know, we are here today not in
21 connection with the substance of this case. Really, we have
22 nothing to talk about that has to do with the plaintiff's
23 claims against Mr. Combs and the other defendants. We're here
24 with a connection with an order to show cause that I issued in
25 which I directed plaintiff's counsel to show cause why she

P4E4MCCC

1 shouldn't be sanctioned for making a false or misleading
2 representation to the Court, specifically in connection with
3 the application by Mr. Buzbee for, I don't really know what he
4 applied for, to be perfectly honest. He applied for leave to
5 appear *pro hac vice* in front of me. If it's in connection with
6 that affidavit or that application, then I'm troubled by what
7 was filed.

8 He then moved to withdraw his admission even though he
9 never had been admitted. And I issued an order in which I
10 simply reminded you, counsel, of your obligations to be careful
11 about what you are filing. And I did call to your attention
12 the displeasure about things being filed that had been signed
13 only by Mr. Buzbee but that were filed under your ECF
14 credentials. And rather than just taking to heart my calling
15 to your attention potential issues, which may be happening in
16 other cases as well, you chose to double down. And you filed a
17 letter with the Court saying, "I review everything, and I
18 approve it for accuracy."

19 I don't know how you could have reviewed the *pro hac*
20 *vice* application and confirmed its accuracy when right on top
21 of your affidavit, which is undated, and simply /s/ signed.
22 There was an affidavit from Mr. Buzbee saying that he had been
23 denied admission to the Southern District, which is directly at
24 odds with what he reportedly told you.

25 Now, I understand your affidavit was just reporting

P4E4MCCC

1 what he told you. But under Rule 11, you have an ethical
2 obligation to make a reasonable inquiry. And his affidavit, at
3 a minimum, should have put you on inquiry notice that what he
4 supposedly told you was not true any longer.

5 So I don't know if you wish to be heard.

6 MS. CURIS: Thank you, your Honor.

7 THE COURT: And it's up with whether you want counsel
8 to speak or whether you want to speak.

9 MS. CURIS: I just want to apologize to the Court.
10 You are absolutely right. The affidavit was missing one
11 operable word, "other," "by any other court." That is my
12 mistake. I apologize. You are 1,000 percent right. I'm very,
13 very sorry. I can't express how sorry I am to this Court. You
14 are absolutely right, your Honor. It was missing a very
15 important word in there, and it's not right.

16 THE COURT: All right. Look, I appreciate it. It is
17 not my want to sanction lawyers.

18 But I also tried to give you fair warning, and your
19 letter to me was somewhat belligerent and contemptuous.

20 MS. CURIS: I apologize.

21 THE COURT: I accept your explanation that the word,
22 "other" is missing. But obviously what you did was sign an
23 affidavit. It's not dated. And you just keep submitting it
24 with his *pro hac* applications all over the place. I suspect --
25 although I don't know -- when did you make out that affidavit?

P4E4MCCC

1 MS. CURIS: When did I actually draft the affidavit?

2 THE COURT: Uh-hum.

3 MS. CURIS: The date that the motion was given to me.

4 I drafted the affidavit when I uploaded it.

5 THE COURT: And you used that same affidavit in other
6 *pro hac* applications, though, haven't you?

7 MS. CURIS: Mr. Fortney has been applying *pro hac* in
8 all of the other matters, and I haven't been doing affidavits
9 for that. He's been doing them on his own. I think -- I have
10 the number of how many he's done so far --

11 THE COURT: Is that a colleague?

12 MS. CURIS: That's the senior attorney that reports
13 directly to Mr. Buzbee, who I'm in communication with.

14 THE COURT: He's somebody from Buzbee's firm?

15 MS. CURIS: Yes.

16 THE COURT: All right.

17 MS. CURIS: I want to reiterate how sorry I am to the
18 Court. You're absolutely right.

19 THE COURT: Look. I appreciate it. As I said, it's
20 not something I do lightly, to have somebody in. And I
21 certainly don't lightly sanction people. But I do take
22 seriously lawyers' duties to be forthcoming and truthful with
23 the Court. You've heard it a million times, but the most
24 important thing in the world is your own personal integrity and
25 reputation.

P4E4MCCC

1 Is there anything else that anyone wishes to say?

2 MS. HYLAND: Your Honor, I guess I have a question.

3 THE COURT: Sure.

4 MS. HYLAND: If your Honor is either leaning towards
5 sanctions or undecided --

6 THE COURT: No, I'm not undecided. I'm not going to
7 sanction. I appreciate her comment to me. That's why I kept
8 saying, I don't lightly sanction people.

9 MS. HYLAND: We really, really appreciate that. Thank
10 you. That's all.

11 THE COURT: Anything from anyone else?

12 MR. KRONLEY: Not from us, your Honor.

13 MR. CUCCARO: No, your Honor.

14 THE COURT: I appreciate you all coming in.
15 And I appreciate your comments to the Court.
16 We will stand adjourned then. Thank you.

17 (Adjourned)

18

19

20

21

22

23

24

25